

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

GILBERT DEMETRIUS AGUILAR,

Case No. 3:12-cv-00397-MMD-WGC

Petitioner,

ORDER

v.

RENEE BAKER, et al.,

Respondents.

Petitioner has filed a Motion for Appointment of Counsel (dkt. no. 16) and a Motion for Enlargement of Time to file his opposition to the motion to dismiss (dkt. no. 12). Previously, the Court denied petitioner's motion for counsel. See Order (dkt. no. 15). However, based upon the renewed motion and upon the arguments posed by respondents in their motion to dismiss, the Court has reconsidered the matter and counsel shall be appointed.

The petition filed in this action includes five claims and includes a large volume of exhibits. Petitioner faces multiple sentences including life without the possibility of parole. He alleges that he has been confined in segregated housing for some ten (10) years and has no access to legal assistance or materials. Moreover, respondents argue that various of petitioner's claims should be dismissed or restated because they are unclear and conclusory. These arguments confirm the petitioner's need for assistance.

Therefore, the pending motion to dismiss shall be denied without prejudice and the Federal Public Defender for the District of Nevada (FPD) shall be appointed to

1 represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of
2 interest or other reason, then alternate counsel for petitioner shall be located, and the
3 Court will enter a separate order appointing such alternate counsel. In either case,
4 counsel will represent petitioner in all future federal proceedings relating to this matter
5 (including subsequent actions) and appeals therefrom, unless allowed to withdraw.

6 IT IS THEREFORE ORDERED that the motion to dismiss (dkt. no. 10) is
7 DENIED WITHOUT PREJUDICE. Petitioner's Motion for an Enlargement of Time (dkt.
8 no. 12) is DENIED as moot.

9 IT IS FURTHER ORDERED that petitioner's Motion for Appointment of Counsel
10 (dkt. no. 16) is GRANTED. The Federal Public Defender is appointed to represent
11 Petitioner.

12 IT IS FURTHER ORDERED that the Clerk shall ELECTRONICALLY SERVE the
13 Federal Public Defender for the District of Nevada (FPD) a copy of this Order, together
14 with a copy of the petition for writ of habeas corpus and its attachments (dkt. no. 8).
15 The FPD shall have thirty (30) days from the date of entry of this Order to file a notice of
16 appearance or to indicate to the Court its inability to represent petitioner in these
17 proceedings.

18 IT IS FURTHER ORDERED that, after counsel has appeared for petitioner in this
19 case, the Court will issue a scheduling order, which will, among other things, set a
20 deadline for the filing of a First Amended Petition.

21
22 DATED THIS 13th day of May 2013.

23
24
25 
26 MIRANDA M. DU
27 UNITED STATES DISTRICT JUDGE
28